MAR 1 0 2004



0

OFFICIAL FAX

Date:

March 10, 2004

Number of pages (including cover):

To:

U.S. Patent and Trademark Office

Technology Center 1600

Fax No.:

(703) 872-9306

Serial No.:

09/654,328

Title:

METHODS AND COMPOSITIONS FOR TREATMENT OF INFLAMMATORY

DISEASE USING CADHERIN-11 MODULATING AGENTS

From:

Edward R. Gates

Direct dial: 617.646.8232

Our Ref.:

B0801.70187US00

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that the attached documents are being transmitted via facsimile, FAX number (703) 872-9306, at the United States Patent and Trademark Office, Technology Center 1600, in accordance with 37 C.F.R. §1.6(d), on the March 10, 2004.

Edward R. Gates

MESSAGE:

ORIGINAL DOCUMENTS WILL NOT BE MAILED

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.720.3500 IMMEDIATELY.

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206 617.720.3500| fax 617.720.2441 | www.wolfgreenfield.com

PATENTS

TRADEMARKS

COPYRIGHTS

TECHNOLOGY TRANSFERS

LITIGATION

Mar 10 2004 17:00

MAR 1 0 2004

DOCKET NO.: B0801.70187US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Serial No.: Brenner et al. 09/654,328

Confirmation No.:

5793

Filed:

September 1, 2000

For:

METHODS AND COMPOSITIONS FOR TREATMENT OF

INFLAMMATORY DISEASE USING CADHERIN-11 MODULATING

AGENTS

Examiner:

Haddad, Maher M.

Art Unit:

1644

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that the attached documents are being transmitted via facsimile, FAX number (703) 872-9306, at the United States Patent and Trademark Office, Technology Center 1600, in accordance with 37 C.F.R. §1.6(d), on March 10, 2004.

Edward R. Gates

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO INTERVIEW SUMMARY

Sir:

This document is filed in response to the Interview Summary mailed from the Patent Office on February 12, 2004.

Applicants previously presented the substance of the February 10, 2004 telephone interview between Examiners Chan and Haddad and Maria A. Trevisan and the undersigned in the response filed February 19, 2004. The complete substance of the interview will not be repeated here. However, Applicants wish to point out an inconsistency between the summaries provided by Examiner Haddad and Applicants. Specifically, as stated in the previous response, Examiners Chan and Haddad agreed with Applicants' attorneys that the post-filing data presented in previous responses establish the correlation of the in vitro assays presented in the specification and the in vivo claimed methods. The Examiners agreed to withdraw the present enablement rejection by the conclusion of the interview. In his summary, Examiner Haddad states that agreement was not reached and further states that Applicants' "response will address the correlation between the in vitro data and the in vivo data submitted in the Declaration of Dr. Brenner filed 7/16/03".

Serial No.: 09/654,328

Docket No.: B0801.70187US00

- 2 -

A follow-up telephone call to both Examiners prior to the mailing of this response was not able to resolve this issue. The Examiners did not acknowledge having reached agreement with respect to the enablement rejection. Applicants' attorneys specifically remember Examiner Chan stating twice that correlation between the in vitro data presented in the application, the in vitro data presented in the Declaration of Dr. Brenner, and the claimed in vivo methods existed.

Applicants wish the record to reflect the inconsistent statements made by the Examiners. Applicants are frustrated by the lack of consistency provided by the Patent Office during the prosecution of this application, both prior to and following the telephone interview. Applicants specifically addressed prior inconsistencies with the Examiners during the telephone interview, clearly to no avail.

Summary

Applicants believe that each of the pending claims is in condition for allowance.

Applicants respectfully request that the Examiner telephone Applicants' attorney in the event that the claims are not found to be in condition for allowance, prior to issuing a further action.

If the Examiner has any questions and believes that a telephone conference with Applicants' attorney would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (extension 232).

Respectfully submitted, Brenner et al., Applicant(s)

Edward R. Gates, Reg. Nd. 31,6. Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2211

Telephone: (617) 646-8000

Docket No.: B0801.70187US00

Date: March 10, 2004

x03.10.04x